

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ARTANO AIDINI.

Plaintiff,

V.

COSTCO WHOLESALE CORPORATION.

Defendant.

Case No. 2:15-cv-00505-APG-GWF

**ORDER DENYING MOTION IN
LIMINE REGARDING ARGUMENT
THAT PLAINTIFF WAS IN A
RESTRICTED AREA**

(ECF No. 42)

Plaintiff Artano Aidini moves to preclude defendant Costco Wholesale Corporation from arguing at trial that Aidini was in a restricted area at the time he fell and broke his ankle. I deny the motion. Costco may make arguments supported by the evidence and there is evidence that the area between the registers where Aidini fell was for employees, not an exit for customers. *See Alexander v. Wal-Mart Stores, Inc.*, No. 2:11-CV-00752-JCM-PAL, 2013 WL 427132, at *6 (D. Nev. Feb. 1, 2013). Aidini may respond with evidence that there were no signs restricting access, that the area was not blocked off, that Costco employees testified that customers walk through that area, or other relevant evidence. Whether Aidini was contributorily negligent by walking through that area will be a matter for the jury to resolve.

IT IS THEREFORE ORDERED that plaintiff Artano Aidini's motion in limine to preclude argument that plaintiff was in a restricted area at the time of the incident (**ECF No. 42**) is **DENIED**.

DATED this 5th day of April, 2017.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE